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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/736,100	GOSLING, MARTIN MILES
	Examiner	Art Unit	
	JACK YIP	3715	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _10 January 2011_.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-3,5,7-10,13,15 and 19-23_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-3,5,7-10,13,15,19-23_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR

1.17(e), was filed in this application after final rejection. Since this application is eligible for continued

examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the

finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's

submission filed on 1/10/2011 has been entered.

Claim Objections

2.   Claims 1-3, 5, 7-10, 13, 15, and 19-23 are objected to because of the following informalities:

Re Claims 1-3, 5, 7-10, 13, 15, and 19-23:

        The newly amended claims have failed to include punctuation marks to separate phrases.

For examples

Re claim 1:

        "the survey initiator ranking the said statements used in both said sets of questions **(punctuation**

mark is missing)

        dynamically generating the said second set of question at the time of said questionnaire survey,

based upon the answers to the said first set of questions **(punctuation mark is missing)**

        …"

        There are other instances wherein applicant fails to include punctuation marks between phrases.

The examiner urges that applicant to check all other instance and make appropriate corrections.

Re Claims 1, 7, 13:

"basing **the said** two set of question" (claim 1) should be "basing said two set of questions";

"**the said** calculated values" (claim 1) should be "said calculated values";

"**the said** statement" (claim 1) should be "said statement";

"asking the respondent or **plurality of respondents**" (Claim 1) should be "asking the respondent or a plurality of respondents";

"said second set of questions **questions**" (claim 7) should be "said second set of questions";

"storing responses from said respondent to said first part of **a said** questionnaire survey" (claim 13) should be "storing responses from said respondent to said first part of a questionnaire survey".

There are other instances wherein applicant uses the phase **"the said ***"** (should be "said ***"). The examiner urges that applicant to check all other instance and make appropriate corrections.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4.   **Claims 1-3, 5, 7-10, 13, 15, and 19-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

5.   Claim 15 uses the phrase "and/or" that is unascertainable and unclear. It's uncertain whether this claim is "a textual and graphical summary" or "a textual or graphical summary".

6.   Claim 1 recites the limitation "the first said set of questions" and "the second said set of questions", "said computer's memory".

7.   Claim 13 recites the limitation "said respondent", "said second set of statements", "the result", "the said first part", said second part", "said display device"

8.   Claim 15 recites the limitation "the result", "the repeatability of the present invention";

There is insufficient antecedent basis for this limitation in each of the claim listed above. The examiner

urges that applicant to check all other instance and make appropriate corrections.

9.   Claims 13, 15 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for

omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01.

Claim 13 states "storing responses from said respondent..."; however, the critical step of "presenting a

questionnaire survey" is omitted from the claim invention. The claimed method can not store the

response without first presenting a questionnaire survey.

Claim Rejections - 35 USC § 102

10.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for

the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –

> (b) the invention was patented or described in a printed publication in this or a foreign country or in
> public use or on sale in this country, more than one year prior to the date of application for patent in
> the United States.

11.   Claims 13, 15, 19, 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Rosenthal

et al. (US 2002/0133502 A1).

Re claim 13:

A process (Rosenthal, Abstract; [0150], "Satisfaction Surveys") including the steps of:

        storing responses from said respondent to said first part of said questionnaire survey from an

input device in a computer system which can be either a standalone system or part of a local area

network (LAN) or wide area network (WAN) (Rosenthal, Abstract; "A method of collecting participant

replies into a database residing on computing devices."; [0026] - [0031]; [0038] - [0039]; [0048]; fig 4;

[0058]; [0066]; [0070]; [0075]; [0084]; [0095] - [0102]; [0030], [0052] - [0054]; [0069]),

        processing said responses in a central processing unit in said system (Rosenthal, fig 2, "CPU";

[0054], [0127])

dynamically arranging said second set of statements (Rosenthal, [0027], [0062] - [0065], [0072], "The record layout and an example of the questions database 11a is shown in FIGS. 3aand 3b, respectively. In FIG. 3b, the records are shown sequentially according to an id value of their question id fields 21a. Those skilled in the art would recognize that the records may be organized in another logical order or any relational manner."; [0079], "A speech identification field 21d is used for indicating the order of the questions within each question set 22."; [0096], [0033], Abstract; "For each participant a next question in the list is determined based on the participant's previous replies."; [0024], [0029], "dynamic basis based on the answers to one or more previous questions"; [0032], [0114], [0127]; [0071] - [0087], [0104] - [0113])

presenting said second set of questions on a display device to said respondent for completion (Rosenthal, Abstract; "The questions are grouped into question sets; each question set addressing a particular aspect of information being sought."; [0027] - [0038], [0071] - [0087], [0104] - [0113]; [0024], "The overseer may participate in the selection of initial questions, or in the selection of subsequent questions based on answers to initial questions, or both")

registering and processing said respondent's resulting input on said input device in said processing unit (Rosenthal, Abstract; "A method of collecting participant replies into a database residing on computing devices."; [0026] - [0031]; [0038] - [0039]; [0048]; fig 4; [0058]; [0066]; [0070]; [0075]; [0084]; [0095] - [0102]; [0030], [0052] - [0054]; [0069])

storing said inputs in a storage device (Rosenthal, Abstract; "A method of collecting participant replies into a database residing on computing devices."; [0026] - [0031]; [0038] - [0039]; [0048]; fig 4; [0058]; [0066]; [0070]; [0075]; [0084]; [0095] - [0102]; [0030], [0052] - [0054]; [0069])

outputting a summary of said respondent's results to said respondent in both a textual and graphical format on said display device, should it be so desired (Rosenthal, [0023], "computerized data collection", a respondent can observe the "reply value", and "weight" associate with a question. Rosenthal further teaches a self-report assessment wherein a respondent can create self-report (Rosenthal, [0168], "self -report or interviewer-rated assessment instruments to gather data and do analyses of treatment

compliance and efficacy; and obtain reliable verbal reports of the participant's symptoms"); textual format

- figs 3a; fig 3b (1-4); fig 3c (1-4), fig 7A; graphical format - fig 7B).

Re claim 15:

The process according to claim 13 of giving said respondent immediate feedback to a questionnaire

survey intended to measure human satisfaction (Rosenthal, Abstract; [0150], "Satisfaction Surveys") in

which a textual and/or graphical summary of their input is shown immediately on said display device

following their completion of the electronic questionnaire survey (Rosenthal, [0023], "computerized data

collection", a respondent can observe the "reply value", and "weight" associate with a question. Rosenthal

further teaches a self-report assessment wherein a respondent can create self-report (Rosenthal, [0168],

"self -report or interviewer-rated assessment instruments to gather data and do analyses of treatment

compliance and efficacy; and obtain reliable verbal reports of the participant's symptoms"); textual format

- figs 3a; fig 3b (1-4); fig 3c (1-4), fig 7A; graphical format - fig 7B).

Re claim 19:

A process (Rosenthal, Abstract; [0150], "Satisfaction Surveys") including the steps of:

        capturing and summarising inputs from a questionnaire survey (Rosenthal, Abstract; "A method of

collecting participant replies into a database residing on computing devices."; [0023], "computerized data

collection", a respondent can observe the "reply value", and "weight" associate with a question. Rosenthal

further teaches a self-report assessment wherein a respondent can create self-report (Rosenthal, [0168],

"self -report or interviewer-rated assessment instruments to gather data and do analyses of treatment

compliance and efficacy; and obtain reliable verbal reports of the participant's symptoms")) intended to

record human satisfaction (Rosenthal, Abstract; [0150], "Satisfaction Surveys") from a respondent or

plurality of respondents using a computer on a standalone system or a local area network (LAN) or a wide

area network (WAN) (Rosenthal, [0030], [0052] - [0054]; [0069]; [0023])

        displaying the results so that each questionnaire survey originator is able to see results not only

for their own entity, but also for a plurality of entities, typically in the same industry (consisting of like-

minded survey originators, who have conducted the same questionnaire survey for their own entities)

(Rosenthal, [0125], "Automated statistical comparison of the participant's recovery process to a matched

sample from the knowledge base 17 (FIG. la) of previous participant responses are used to select

question sets specifically related to risk of exacerbation of illness." [0134], "allowing the medical

practitioner to evaluate whether the participant is getting well as fast as he or she should in comparison to

similar participants."; [0135], "Healthcare providers and pharmaceutical companies are thus empowered

to continuously examine and improve courses of treatment by extrapolating relevant data, and comparing

the individual replies against matched population groups."; [0150] - [0153], [0165])

performing industry wide benchmarking, which, because of the repeatability of the present

invention, now becomes possible, for those surveys intended to record human satisfaction where such a

feature would be beneficial (Rosenthal, [0125], "Automated statistical comparison of the participant's

recovery process to a matched sample from the knowledge base 17 (FIG. la) of previous participant

responses are used to select question sets specifically related to risk of exacerbation of illness." [0134],

"allowing the medical practitioner to evaluate whether the participant is getting well as fast as he or she

should in comparison to similar participants."; [0135], "Healthcare providers and pharmaceutical

companies are thus empowered to continuously examine and improve courses of treatment by

extrapolating relevant data, and comparing the individual replies against matched population groups.";

[0150] - [0153], [0165]).

Re claim 23:

The process according to claim 19 of presenting the results from said survey both textually and

graphically (Rosenthal, textual format - figs 3a; fig 3b (1-4); fig 3c (1-4), fig 7A; graphical format - fig 7B)

on a computing output device so that the survey originator sees (Rosenthal, [0086], [0176] - [0177], "For

example, respondents may be ranked in such reports on the basis of their replies to particular questions

or their possession of desired qualifications.") both a summary of their own entity's results for satisfaction

and level of conviction (the weighted score) as well as the results of a plurality of entities, thereby allowing

an immediate benchmarking (Rosenthal, [0125], "Automated statistical comparison of the participant's

recovery process to a matched sample from the knowledge base 17 (FIG. Ia) of previous participant

responses are used to select question sets specifically related to risk of exacerbation of illness." [0134],

"allowing the medical practitioner to evaluate whether the participant is getting well as fast as he or she

should in comparison to similar participants."; [0135], "Healthcare providers and pharmaceutical

companies are thus empowered to continuously examine and improve courses of treatment by

extrapolating relevant data, and comparing the individual replies against matched population groups.";

[0150] - [0153], [0165]).

Claim Rejections - 35 USC § 103

12.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

13.   Claims 1-3, 5, 7-10, and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Rosenthal et al. (US 2002/0133502 A1) in view of Williams et al. (US 6,658,391 B1).

Re claim 1:

Rosenthal teaches a process to give a true indication of respondent satisfaction to an electronic

questionnaire survey of a subject matter which is affected by human satisfaction (Rosenthal, Abstract;

[0150], "Satisfaction Surveys") including the steps of:

        asking the respondent or plurality of respondents to give their answers to two sets of questions on

a computer (Rosenthal, Abstract; "The questions are grouped into question sets; each question set

addressing a particular aspect of information being sought."; [0027] - [0038], [0071] - [0087], [0104] -

[0113]; [0024], "The overseer may participate in the selection of initial questions, or in the selection of

subsequent questions based on answers to initial questions, or both"; [0023], "computerize data

collection")

the survey initiator ranking the said statements used in both said sets of questions (Rosenthal,

[0027], [0062] - [0065], [0072], "The record layout and an example of the questions database 11a is

shown in FIGS. 3aand 3b, respectively. In FIG. 3b, the records are shown sequentially according to an id

value of their question id fields 21a. Those skilled in the art would recognize that the records may be

organized in another logical order or any relational manner."; [0079], "A speech identification field 21d is

used for indicating the order of the questions within each question set 22."; [0096])

dynamically generating the said second set of question at the time of said questionnaire survey

(Rosenthal, [0033], "The computer generates questions from within each first set which are presented to

the person. The computer receives answers from the person to the questions presented from the at least

one second set of questions; each question presented to the person from the at least one first set being

selected by the computer from the at least one first set of questions independently of answers received

from the person or in dependence upon at least one answer received from the person; providing at least

one second set of questions to be presented to the person in dependence upon at least one answer

received to at least question presented from at least one first set of questions, the at least one second set

of questions being selected through intervention by the overseer; computer generating questions from the

at least one second set of questions and presenting those computer generated questions to the person;

and receiving in the computer answers from the person to questions presented from the at least one

second set of questions."), based upon the answers to the said first set of questions (Rosenthal, Abstract;

"For each participant a next question in the list is determined based on the participant's previous replies.";

[0024], [0029], "dynamic basis based on the answers to one or more previous questions"; [0032], [0114],

[0127]; [0071] - [0087], [0104] - [0113])

ranking the responses to both said sets of questions programmatically using said computer

(Rosenthal, [0086], [0176] - [0177], "For example, respondents may be ranked in such reports on the

basis of their replies to particular questions or their possession of desired qualifications."),

comparing said rankings from both said sets of questions programmatically using said

computer (Rosenthal, [0125], "Automated statistical comparison of the participant's recovery process to a

matched sample from the knowledge base 17 (FIG. la) of previous participant responses are used to

select question sets specifically related to risk of exacerbation of illness."; [0134] - [0135], "he or she

should in comparison to similar participants."; [0150] - [0153], [0165])

recording computer calculated values for satisfaction (Rosenthal, [0072], col 6, TABLE 2, [0082] -

[0087], [0095] - [0102], "A reply value field 25e used for recording the actual value of the provided

replies."; [0165], "a participant was consistently giving a reply "good" to the question "how do you feel"

and then on one occasion the reply received is "bad,"") and level of conviction (Rosenthal, [0123], "The

determination of the Nth question may be represented by a function where the range of replies described

above is denoted as variables (R1, R2 , ... RN _ 1). Moreover, evaluation of such function may provide

different weights to each of the variables Ri to scale, increase or decrease their importance or to eliminate

each previous reply datum") within said computer's memory based on said comparison (Rosenthal,

[0023], "computerized data collection") presenting the said calculated values for satisfaction and level of

conviction (the weighted score) to said respondent at the time of said survey on said computer's output

device (Rosenthal, [0023], "computerized data collection", a respondent can observe the "reply value",

and "weight" associate with a question. Rosenthal further teaches a self-report assessment wherein a

respondent can create self-report (Rosenthal, [0168], "self -report or interviewer-rated assessment

instruments to gather data and do analyses of treatment compliance and efficacy; and obtain reliable

verbal reports of the participant's symptoms")).

Rosenthal does not explicitly disclose basing the said two sets of questions on similar statements, but

posed differently, so that the first said set of questions are answered emotionally by said respondent or

plurality of respondents and the second said set of questions are answered rationally. However, Williams

teaches (Williams, Abstract) a method and apparatus for understanding and predicting customer behavior

call the Strategic Profiler. Williams teaches Rosenthal's deficiency; specifically, basing the said two sets

of questions on similar statements, but posed differently, so that the first said set of questions are

answered emotionally by said respondent or plurality of respondents (Williams, col 5, line 56 - 67; col 6,

lines 1 - 14; "By tabulating the data from the questionnaire for personifying the ideal (representing the

answers with assigned emotional response factors to each

response), the intensity of each factor is determined and each factor is ranked relative to each other."; col 5, lines 10 - 15; " The responses to the questions used in personifying the ideal are designated as emotional responses. "; col 7, lines 18 - 35; figs 3 - 4) and the second said set of questions are answered rationally (Williams, col 5, lines 28 - 32; "The responses to the questions used in personifying today's reality are designated as rational responses."; col 7, lines 18 - 35; "The Strategic Profiler of the present invention assesses rational and emotional intensity for key value drivers in the sales decision making process."; figs 5A - 5C).

Therefore, in view of Williams, it would have been obvious to one of ordinary skill in the art, at the time of invention, to modify the process described in Rosenthal, by providing the emotional and rational response as taught by Williams, since Williams states (Williams, Abstract) "The data are collected and analyzed using a multiple factor personality model to determine key value drivers, with one value driver associated with each factor in the multiple factor personality model employed. The data are further analyzed to determine the participants' impression of how closely reality meets the ideal, based both on impressions and experience." Williams further states (Williams, col 2, lines 29 - 67; col 3, lines 1 - 32) "Considerable research and academic study has led to the development of multiple factor models for predicting human behavior such as consumer purchasing. One of the long held goals of psychology has been to establish a model that can conveniently describe human personality with the intent to use the model in the general understanding of personality and in the prediction of human behavior. Currently, a handful of models have risen to prominence, and some models are more generally accepted than others. One of the most prominent models in contemporary psychology is what is known as the five-factor model of personality."

Re claim 2:

The process according to claim 1 of subdividing said subject matter of said questionnaire survey into a number of ranked groups (Rosenthal, Abstract; "The questions are grouped into question sets; each question set addressing a particular aspect of information being sought."; [0027] - [0038], [0071] - [0087], [0104] - [0113]; [0024], "The overseer may participate in the selection of initial questions, or in the

selection of subsequent questions based on answers to initial questions, or both") in which the number of

said statements is calculated and equally distributed in number amongst said groups and are ranked

within the each said group according to the importance of the statement to the survey initiator (Rosenthal,

[0027], [0062] - [0065], [0072], "The record layout and an example of the questions database 11a is

shown in FIGS. 3aand 3b, respectively. In FIG. 3b, the records are shown sequentially according to an id

value of their question id fields 21a. Those skilled in the art would recognize that the records may be

organized in another logical order or any relational manner."; [0079], "A speech identification field 21d is

used for indicating the order of the questions within each question set 22."; [0096]).

Re claim 3:

The process according to claim 1 of defining two sets of said similar statements in which both sets of

statements contain sentences with the same meaning, but using different words so that the first said set

can be used in a set of questions designed to be responded to emotionally on said computer and the

second said set can be combined to answer the questions rationally on said computer (see claim 1 for

motivation and Williams, col 5, line 56 - 67; col 6, lines 1 - 14; "By tabulating the data from the

questionnaire for personifying the ideal (representing the answers with assigned emotional response

factors to each response), the intensity of each factor is determined and each factor is ranked relative to

each other."; col 5, lines 10 - 15; " The responses to the questions used in personifying the ideal are

designated as emotional responses."; col 7, lines 18 - 35; figs 3 - 4; col 5, lines 28 - 32; "The responses to

the questions used in personifying today's reality are designated as rational responses."; col 7, lines 18 -

35; "The Strategic Profiler of the present invention assesses rational and emotional intensity for key value

drivers in the sales decision making process."; figs 5A - 5C)).

Re claim 5:

The process according to claim 1 of defining a said second set of questions programmatically on said

computer in which said second set of questions are dynamically created by grouping together a number

of statements from said second set of statements at the time of questionnaire on said computer based on

the responses to said first set of questions (Rosenthal, [0033], Abstract; "For each participant a next

question in the list is determined based on the participant's previous replies."; [0024], [0029], "dynamic

basis based on the answers to one or more previous questions"; [0032], [0114], [0127]; [0071] - [0087],

[0104] - [0113]; Rosenthal teaches a dynamical generating a second set of question.)

Re claim 7:

The process according to claim 5 in which said second set of questions are defined so that the

respondent is forced to respond rationally to said group of statements on said computer (Rosenthal,

[0033], Abstract; "For each participant a next question in the list is determined based on the participant's

previous replies."; [0024], [0029], "dynamic basis based on the answers to one or more previous

questions"; [0032], [0114], [0127]; [0071] - [0087], [0104] - [0113]; Rosenthal teaches a dynamical

generating a second set of question. Since the answers to the survey (i.e., Williams, figs 5A - 5C)) are

multiple choices, therefore a respondent can only choose (or forced to choose) rational response.).

Re claim 8:

The process according to claim 1 of scoring and ranking said responses to said first set of questions

programmatically on said computer in which said respondent's emotional response has a value calculated

programmatically on said computer, which represents the level of conviction (also known as the

"weighting") of said respondent's emotional responses to said questions (Rosenthal, [0123], "The

determination of the Nth question may be represented by a function where the range of replies described

above is denoted as variables (R1, R2 , ... RN _ 1). Moreover, evaluation of such function may provide

different weights to each of the variables Ri to scale, increase or decrease their importance or to eliminate

each previous reply datum") and then ranked programmatically on said computer (Rosenthal, [0086],

[0176] - [0177], "For example, respondents may be ranked in such reports on the basis of their replies to

particular questions or their possession of desired qualifications.").

Re claim 9:

The process according to claim 1 of scoring and ranking said responses to said second set of questions programmatically on said computer in which said respondent's rational response has a value calculated programmatically on said computer, which represents the level of conviction (also known as the "weighting") of said respondent's rational responses to said questions (Rosenthal, [0123], "The determination of the Nth question may be represented by a function where the range of replies described above is denoted as variables (R1, R2 , ... RN _ 1). Moreover, evaluation of such function may provide different weights to each of the variables Ri to scale, increase or decrease their importance or to eliminate each previous reply datum") and then ranked programmatically on said computer (Rosenthal, [0086], [0176] - [0177], "For example, respondents may be ranked in such reports on the basis of their replies to particular questions or their possession of desired qualifications.").

Re claim 10:

The process according to claim 1 of comparing said emotional and rational responses from said respondent or plurality of respondents programmatically on said computer in which the closeness of match of said emotional and rational responses is quantifiably measured on said computer (Williams, col 5, line 56 - 67; col 6, lines 1 - 14; "By tabulating the data from the questionnaire for personifying the ideal (representing the answers with assigned emotional response factors to each response), the intensity of each factor is determined and each factor is ranked relative to each other."; col 5, lines 10 - 15; " The responses to the questions used in personifying the ideal are designated as emotional responses."; col 7, lines 18 - 35; figs 3 - 4; col 5, lines 28 - 32; "The responses to the questions used in personifying today's reality are designated as rational responses."; col 7, lines 18 - 35; "The Strategic Profiler of the present invention assesses rational and emotional intensity for key value drivers in the sales decision making process."; figs 5A - 5C; see claim 1 for motivation), thereby giving a value for respondent or plurality of respondents' satisfaction (Rosenthal, Abstract; [0150], "Satisfaction Surveys").

Re claims 20 - 21:

Rosenthal does not explicitly disclose a processing for assigning values to said respondents

emotion/rational responses which allow a simple summary of rational responses from a plurality of

respondents by using simple addition on a computer. However, Williams et al. (US 6,658,391 B1)

teaches (Williams, Abstract) a method and apparatus for understanding and predicting customer behavior

call the Strategic Profiler. Williams teaches Rosenthal's deficiency; specifically, basing the said two sets

of questions on similar statements, but posed differently, so that the first said set of questions are

answered emotionally by said respondent or plurality of respondents (Williams, col 5, line 56 - 67; col 6,

lines 1 - 14; "By tabulating the data from the questionnaire for personifying the ideal (representing the

answers with assigned emotional response factors to each response), the intensity of each factor is

determined and each factor is ranked relative to each other."; col 5, lines 10 - 15; " The responses to the

questions used in personifying the ideal are designated as emotional responses. "; col 7, lines 18 - 35;

figs 3 - 4) and the second said set of questions are answered rationally (Williams, col 5, lines 28 - 32;

"The responses to the questions used in personifying today's reality are designated as rational

responses."; col 7, lines 18 - 35; "The Strategic Profiler of the present invention assesses rational and

emotional intensity for key value drivers in the sales decision making process."; figs 5A - 5C).

Therefore, in view of Williams, it would have been obvious to one of ordinary skill in the art, at the time of

invention, to modify the process described in Rosenthal, by providing the emotional and rational response

as taught by Williams, since Williams states (Williams, Abstract) "The data are collected and analyzed

using a multiple factor personality model to determine key value drivers, with one value driver associated

with each factor in the multiple factor personality model employed. The data are further analyzed to

determine the participants' impression of how closely reality meets the ideal, based both on impressions

and experience." Williams further states (Williams, col 2, lines 29 - 67; col 3, lines 1 - 32) "Considerable

research and academic study has led to the development of multiple factor models for predicting human

behavior such as consumer purchasing. One of the long held goals of psychology has been to establish a

model that can conveniently describe human personality with the intent to use the model in the general

understanding of personality and in the prediction of human behavior. Currently, a handful of models have

risen to prominence, and some models are more generally accepted than others. One of the most

prominent models in contemporary psychology is what is known as the five-factor model of personality."

Re claim 22:

The process according to claim 19 of adding the results of the emotional responses of all respondents in

the survey originator's entity as well as their rational responses on a computer (Williams, col 5, line 56 -

67; col 6, lines 1 - 14; "By tabulating the data from the questionnaire for personifying the ideal

(representing the answers with assigned emotional response factors to each response), the intensity of

each factor is determined and each factor is ranked relative to each other."; col 5, lines 10 - 15; " The

responses to the questions used in personifying the ideal are designated as emotional responses."; col 7,

lines 18 - 35; figs 3 - 4; col 5, lines 28 - 32; "The responses to the questions used in personifying today's

reality are designated as rational responses."; col 7, lines 18 - 35; "The Strategic Profiler of the present

invention assesses rational and emotional intensity for key value drivers in the sales decision making

process."; figs 5A - 5C; see claim 1 for motivation) and comparing the two results, so that values can be

mathematically assigned to both the entity's satisfaction (Rosenthal, [0072], col 6, TABLE 2, [0082] -

[0087], [0095] - [0102], "A reply value field 25e used for recording the actual value of the provided

replies."; [0165], "a participant was consistently giving a reply "good" to the question "how do you feel"

and then on one occasion the reply received is "bad,"") and level of conviction (the weighted score)

(Rosenthal, [0123], "The determination of the Nth question may be represented by a function where the

range of replies described above is denoted as variables (R1, R2 , ... RN _ 1). Moreover, evaluation of

such function may provide different weights to each of the variables Ri to scale, increase or decrease

their importance or to eliminate each previous reply datum") which are representative for the whole entity

and are both devoid of human emotion and repeatable(Rosenthal, [0125], "Automated statistical

comparison of the participant's recovery process to a matched sample from the knowledge base 17 (FIG.

Ia) of previous participant responses are used to select question sets specifically related to risk of

exacerbation of illness." [0134], "allowing the medical practitioner to evaluate whether the participant is

getting well as fast as he or she should in comparison to similar participants."; [0135], "Healthcare

providers and pharmaceutical companies are thus empowered to continuously examine and improve

courses of treatment by extrapolating relevant data, and comparing the individual replies against matched

population groups."; [0150] - [0153], [0165]).

Response to Arguments

14.   Applicant's arguments with respect to claims 1-3, 5, 7-10, 13, 15 and 19-23 have been

considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should

be directed to JACK YIP whose telephone number is (571)270-5048. The examiner can normally be

reached on Monday - Friday 9:30am - 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Xuan Thai can be reached on (571)272-7147. The fax phone number for the organization where this

application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be obtained from

either Private PAIR or Public PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

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at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative

or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-

1000.

/J. Y./
Examiner, Art Unit 3715

/XUAN M. THAI/
Supervisory Patent Examiner, Art Unit 3715